

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Health Care Services Lien Act is amended by
5 changing Section 30 and by adding Section 50 as follows:

6 (770 ILCS 23/30)

7 Sec. 30. Adjudication of rights. On petition filed by the
8 injured person or the health care professional or health care
9 provider and on the petitioner's written notice to all
10 interested adverse parties, the circuit court shall adjudicate
11 the rights of all interested parties and enforce their liens.

12 A petition filed under this Section may be served upon the
13 interested adverse parties by personal service, substitute
14 service, or registered or certified mail.

15 (Source: P.A. 93-51, eff. 7-1-03.)

16 (770 ILCS 23/50 new)

17 Sec. 50. Subrogation claims. If a subrogation claim or
18 other right of reimbursement claim that arises out of the
19 payment of medical expenses or other benefits exists with
20 respect to a claim for personal injury or death, and the
21 personal injury or death estate claimant's recovery is
22 diminished:

1 (1) by comparative fault; or

2 (2) by reason of the uncollectibility of the full value

3 of the claim for personal injury or death resulting from

4 limited liability insurance;

5 the subrogation claim or other right of reimbursement claim

6 shall be diminished in the same proportion as the personal

7 injury or death estate claimant's recovery is diminished.

8 Unless otherwise agreed by the interested parties, the amount

9 of comparative fault and the full value of the claim shall be

10 determined by the court having jurisdiction over the matter.

11 After reduction of the subrogation claim or other right of

12 reimbursement claim due to either comparative fault or limited

13 liability insurance, or both, the party asserting the

14 subrogation claim or other right of reimbursement claim shall

15 bear a pro rata share of the personal injury or death estate

16 claimant's attorneys fees and litigation expenses. This

17 Section 50 does not apply to any holder of a lien under the

18 Workers' Compensation Act, the Workers' Occupational Diseases

19 Act, or this Act including, but not limited to, licensed

20 long-term care facilities, physicians, and hospitals, or to

21 claims made to recoup uninsured payments pursuant to Section

22 143a of the Illinois Insurance Code or underinsured payments

23 pursuant to Section 143a-2 of the Illinois Insurance Code. A

24 subrogation claim or other right of reimbursement claim may be

25 adjudicated even when a lien has not been filed regarding such

26 claim.